

In The United States District  
Court for The Southern District of Illinois  
East St. Louis

Samuel R. Hogsett,

Vs.

United States of America,

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1

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case No.

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Civ. 10-CV-0010-WDS

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crim. 05-cr-30196

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Motion under rule 60(b) to correct a  
defect in previous filed § 2255 motion.

Comes now Petitioner Samuel R. Hogsett asking  
this Court to look into an error made by this  
Court when it Amended Petitioner's first § 2255  
(Doc. #1) 01/04/2010 with what was to be add on's  
or a supplement (Doc. #8) 07/06/2010 to his original  
§ 2255 motion. Petitioner brings this motion to  
the court under Rule 60(b) but asks this Court  
also apply rule 60(b)(6) if it applies.

Petitioner has filed several motions to  
this Court looking for relief from his Sentence.  
In Petitioner's last Rule 60(b); 60(b)(1); 60(b)(6)



motion where it was looked at as a second or successive § 2255 motion.

Petitioner filed a § 2255 motion on 01/04/2010 and made the following claims: Ineffective assistance of counsel at Motion to suppress hearing; Sentencing; Direct appeal; and Writ of Certiorari.

Conviction obtained due to Fourth Amendment violations and Fifth Amendment violations.

See Ex. A; Ex. B (Doc #1). On 06/24/2010 Petitioner filed an Amended motion to his original § 2255 motion and made the following claims:

Ineffective assistance of counsel prior to trial for failure to seek dismissal for violation of the speedy trial act and Sixth Amendment, failure to properly argue a suppression issue, and failure to advise petitioner of options beside proceeding to trial; Ineffective assistance of counsel during trial for failure to advance a viable defense theory;

Ineffective assistance of counsel during sentencing for failure to object to "double counting" and failure to argue illegality of subjecting petitioner to two separate mandatory minimum sentences.

Petitioner filed this as an Amendment and not a supplement because he read Blacks Law Dictionary; and to Amend ment to Improve. See Blacks Law Dictionary Sixth Edition.

When Petitioner seen his mistake he filed a motion to the Court for his Amended motion to be a Supplement to his



§ 2255. see ex-B (Doc# 8) 07/06/2010.

The Petitioner would like this Court to understand that he is Not a lawyer nor a par-a-legal. At the time Petitioner filed these motions he was in the SHU with out any legal help from a certified Attorney. When this Court appointed the Petitioner a Attorney for his § 2255 motion the Attorney due to medical reasons did not correspond with the Petitioner's for the first two months that he was appolated. At no time did the Petitioner nor the appointed Attorney see the mistake that was already in play when the Attorney took over the Petitioner's case.

The Petitioner would like the Court to look at Gonzalez, 543 U.S. at 532 see Scott, 414 F.3d at 816. A Rule 60(b) motion that does not assert or reassert claims of error in the conviction and instead points to a defect in the integrity of the § 2255 proceedings in not a successive petition.

### Conclusion.

Petitioner only asks that this Court go back and rule on his § 2255 motion that was filed on 01/04/2010 (Doc#1) and to look at each exhibit so that the court can see where the error was made and correct it.

## Certified

Petitioner, Samuel R. Hogsett swear that every thing he has said in this motion is true to his knowledge and that no false papers has been filed as ex. Petitioner asks this Court to rule on his first § 2255 filed on 01/04/2010 (Doc #1)

Dated: 6-8-16

Signed: Samuel R. Hogsett  
Samuel R. Hogsett  
#07131-025

Address: U.S.P. Beaumont  
P.O. Box 26030  
Beaumont, TX, 77720



IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS

SAMUEL HOGSETT, JR.,	)	
	)	
Petitioner/Defendant,	)	
	)	CIVIL NO. 10-cv-0010-WDS
vs.	)	
	)	CRIMINAL NO. 05-cr-30196
UNITED STATES of AMERICA ,	)	
	)	
Respondent/Plaintiff.	)	

MEMORANDUM AND ORDER

STIEHL, District Judge:

This matter is before the Court on Petitioner's motion for relief pursuant to 28 U.S.C. § 2255. Also before the Court are Petitioner's first and second motions to amend his § 2255 motion (Docs.3 and 5). Petitioner's second amended § 2255 motion appears to supersede and replace his first proposed amended motion (and his original motion). Accordingly, Petitioner's second motion to amend his § 2255 motion (Doc. 5) is **GRANTED** and his first motion to amend his § 2255 motion is **DENIED** as moot.

Petitioner was found guilty, after a jury trial, of being a felon in possession of a firearm in violation of 18 U.S.C. §§ 922(g)(1) and 924(e); possession with intent to distribute cocaine in violation of 21 U.S.C. § 841(a)(1); and possession of a firearm during and in relation to a drug-trafficking crime in violation of 18 U.S.C. § 924(c). On April 20, 2007, Petitioner was sentenced to 355 months imprisonment, 5 years supervised release, a fine of \$750.00, and a special assessment of \$300. Petitioner filed a direct appeal, but his conviction was affirmed by the Seventh Circuit Court of Appeals. *United States v. Hogsett, Jr.*, No. 07-1939 (7<sup>th</sup> Cir., affirming district court April

(ex. A)

3, 2008). Petitioner sought, but was denied a petition for a writ of certiorari from the Supreme Court of the United States. *Hogsett v. United States*, 129 S.Ct. 1308 (2009).

In his amended motion, the Petitioner raises several grounds of ineffective assistance of counsel.

The Court **ORDERS** the Government to file a response to Petitioner's amended motion within **THIRTY (30) DAYS** of the date of this Order. The Government shall, as part of its response, attach all relevant portions of the record.

**IT IS SO ORDERED.**

**DATED: June 23, 2010.**

s/ WILLIAM D. STIEHL  
**DISTRICT JUDGE**

Email: nicole.gorovsky@usdoj.gov

TERMINATED: 08/15/2011

Date Filed	#	Docket Text
01/04/2010	<u>1</u>	MOTION to Vacate, Set Aside or Correct Sentence (2255) filed by Samuel R. Hogsett, Jr. (Attachments: # <u>1</u> Memorandum in Support of Petition, # <u>2</u> Letter to U. S. Attorney's Office)(myz) (Entered: 01/04/2010)
01/04/2010	<u>2</u>	Sealed Exhibit by Samuel R. Hogsett, Jr. to 28:2255 petition <u>1</u> (myz) (Entered: 01/04/2010)
02/23/2010	<u>3</u>	MOTION to Amend/Correct <u>1</u> Motion to Vacate/Set Aside/Correct Sentence (2255) by Samuel R. Hogsett, Jr. (trb) (Entered: 02/24/2010)
02/23/2010	<u>4</u>	NOTICE of Change of Address see Motion at document 3. (trb ) (Entered: 02/24/2010)
06/15/2010	<u>5</u>	SECOND MOTION for Leave to File Amended Petition by Samuel R. Hogsett, Jr. (jaj) (Entered: 06/15/2010)
06/23/2010	<u>6</u>	MEMORANDUM AND ORDER Directing Government to respond to the Section 2255 motion; Denying as moot <u>3</u> MOTION to Amend/Correct <u>1</u> Motion to Vacate/Set Aside/Correct Sentence (2255); Granting <u>5</u> MOTION for Leave to File. Signed by Judge William D. Stiehl on 6/23/2010. (jw) (Entered: 06/23/2010)
06/24/2010	<u>7</u>	AMENDED MOTION to Vacate, Set Aside or Correct Sentence (2255) filed by Samuel R. Hogsett, Jr. (Attachments: # <u>1</u> Exhibits)(jaj) (Entered: 06/24/2010)
07/06/2010	<u>8</u>	SUPPLEMENT by Samuel R. Hogsett, Jr. Supplement to <u>7</u> Motion to Vacate/Set Aside/Correct Sentence (2255) and Memorandum of Law in Support. (jaj) (Entered: 07/06/2010)
07/16/2010	<u>9</u>	ORDER Appointing Attorney Michael S. Ghidina for Samuel R. Hogsett, Jr added. Signed by Judge William D. Stiehl on 07/16/2010. (dkd ) (Entered: 07/16/2010)
07/19/2010	<u>10</u>	MOTION for Extension of Time to File Response/Reply as to <u>7</u> Motion to Vacate/Set Aside/Correct Sentence (2255) by USA. (Gorovsky, Nicole) (Entered: 07/19/2010)
07/21/2010	<u>11</u>	ORDER granting <u>10</u> Motion for Extension of Time to File Response/Reply as to <u>7</u> Motion to Vacate/Set Aside/Correct Sentence (2255) Responses due by 10/21/2010. Signed by Judge William D. Stiehl on 07/21/10. (dkd ) (Entered: 07/21/2010)
07/23/2010	<u>12</u>	CJA 20 Appointment. Appointing Attorney Michael Ghidina to represent Samuel R. Hogsett. Signed by Judge William D. Stiehl on 07/22/10. (lmt) (Entered: 07/23/2010)
09/21/2010	<u>13</u>	MOTION for Extension of Time to Amend, Supplement or otherwise modify

(ex. B)

Samuel Hogsett #  
U.S.P. Beaumont  
P.O. Box 26030  
Beaumont, Tx. 77720

NORTH HOUSTON TX 773

09 JUN 2015 PM 9 L



DECLARED  
IN PENNSYLVANIA

United States District Court  
P.O. Box 249  
East St. Louis, Illinois 62202

62202-024949

